

# EXHIBIT

# 5

**From:** [Scott, John](#)  
**To:** [Westfall, Elizabeth \(CRT\)](#)  
**Cc:** [Wilson, Anne](#)  
**Subject:** Update on Texas Legislators  
**Date:** Wednesday, January 29, 2014 4:43:20 PM  
**Attachments:** [Master Legislative Address List w RFR Column.pdf](#)

---

Elizabeth-

I write to follow up on the brief portion of our call yesterday dealing with the extensive discovery that you have sought from 251 current and former members of the Texas Legislature (none of whom are party to this litigation). In an effort to help facilitate responses to your expansive discovery requests, we have agreed to reach out to each of the still-living legislators (a few legislators you named are no longer living) to better understand if they are agreeable or not to allowing discovery relating to Voter ID. It is my intent to request that each legislator who is agreeable (i.e., not wanting to assert privilege) perform an office search, and/or grant access to the Legislative Council so that a search of the servers that contain any of the legislator's electronically stored information relating to Voter ID may be identified and obtained. To update you on our progress, I have attached a spreadsheet that we are using to track replies. This effort should not be viewed as a waiver or taken as a consent on behalf any legislator to the discovery you seek.

As you know the burden associated with your broad requests is extensive. Your patience as we carry out this cooperative process is appreciated and, in our view, necessary to avoid the court's involvement to resolve discovery issues -- which we believe ultimately benefits no one. I will continue to update you on the progress.

John

John B. Scott  
Deputy Attorney General  
For Civil Litigation  
Office of the Texas Attorney General  
Post Office Box 12548  
Austin, TX 78711-2548

Telephone: [512-475-0131](tel:512-475-0131) (Direct)  
Facsimile: [512-936-0545](tel:512-936-0545)  
Email: [john.scott@texasattorneygeneral.gov](mailto:john.scott@texasattorneygeneral.gov)

This message and any attachment(s) may be confidential and/or privileged pursuant to Government Code sections 552.101, 552.103, 552.107, and 552.111, and should not be disclosed without the express authorization of the Attorney General of Texas.